In the High Court of Punjab and Haryana, Chandigarh.

C.W.P. No. 12986 of 1998

Date of Decision: 19.12.2007

M/s K.N. Sethi and Co.

…Petitioner

Versus

General Insurance Corporation of India and Others.

…Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. K.N. Sethi, Petitioner
in person.

Mr. L.M.Suri, Senior Advocate
with Mr. Deepak Suri, Advocate
for the respondents.

RAJESH BINDAL, J.

The prayer made in the present petition is for issuing direction to the respondents to allot work of survey of insurance/investigation/assessment claims to the petitioner and also for release of payment of various survey bills submitted by him to the respondents.

The petitioner appeared in person. He submitted that presently he is suffering from various ailments and he is practically confined to bed and accordingly he will not be able to carry out any survey work at this stage. The petitioner was removed from the list of approved surveyors unceremoniously inspite of the fact that he was one of the oldest surveyors in the region and according to him the reason thereof was that he was a whistle blower highlighting the misdeeds in the functioning of the insurance companies

where fraudulent claims were being passed. He further submitted that because of bias attitude against him, against his claim bills for various jobs conducted by him on behalf of the respondent companies, due payments have not been made, as per the approved rates.

Learned senior counsel appearing for the respondents submitted that the allegations made by the petitioner regarding bias attitude against him are totally baseless. He even denies the contention regarding fraudulent claim being passed by the insurance companies. However, still he submitted that in view of the changed circumstances, as the petitioner himself is not able to carry out the work, his first prayer has been rendered infructuous. However, as regards his second prayer regarding payment of dues for the work already done by him is concerned, he very fairly submits that in case the petitioner submits his claims regarding the payments due from the respondents by giving bills thereof where either he has not been made the payment or has been paid lesser amount than admissible to him, such a claim shall be considered by the respondents without being prejudiced by anything, within a period of three months from the date said claim is submitted.

Having heard the parties, in view of the fact that the petitioner is presently unable to carry out any work of surveyor, I do not deem it appropriate to go into that question at this stage. Still the respondents are duty bound to see as to whether the allegations made by the petitioner are correct and should take corrective steps to avoid any such thing. It cannot be lost sight of the fact that it is only the honest people who have to bear the burden of any corrupt activities at the hands of unscrupulous persons. Sanction of fraudulent claims results in disbursement of more amount as compensation and consequent increase in insurance tariff. It is hoped that the respondents will take corrective steps in this regard, if required.

However, in view of the fair stand taken by learned senior counsel representing the respondents, the second prayer made by the petitioner is accepted. In case the petitioner has not been paid any amount admissible to him for the work already done by him he may submit bills/supplementary bills to the respondents with a copy to Mr. Deepak Suri, Advocate, representing the respondents for settlement thereof. On verification of the claim made by the petitioner, the same shall be settled by the respondents within a period of three months after the receipt thereof and necessary payments, if due, shall be made to the petitioner within a period of one month thereafter.

The writ petition is disposed of in the manner indicated above.

As the petitioner appears in person, let a copy of this order be sent by the Registry to him at his address mentioned in the petition.

(Rajesh Bindal)
Judge

December 19, 2007
"DK"